

1 WILLIAM MARR,

2 No. C 09-05978 WHA

3 Plaintiff,

4 v.

5 BANK OF AMERICA, NATIONAL  
6 ASSOCIATION,

7 **ORDER DENYING PLAINTIFF'S  
8 ADMINISTRATIVE MOTION TO  
9 FILE EXHIBITS UNDER SEAL**

10 Defendant.

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12 The last day to file dispositive motions in this matter was February 3, 2011, and on that  
13 day cross-motions for summary judgment were filed. Plaintiff's submissions included an  
14 administrative motion for a sealing order pursuant to Civil Local Rule 79-5. The motion has  
15 several problems with it.

16 *First*, for reasons unknown, plaintiff noticed the administrative motion for a hearing on  
17 February 10. That makes no sense both because it is an administrative motion and because  
18 doing so violates Civil Local Rule 7-2(a). The February 10 hearing is **VACATED**.

19 *Second*, in filing the motion, plaintiff's counsel placed everything on the public docket  
20 except for one declaration, the declaration of Attorney Michael Sachs in support of the  
21 administrative motion (Dkt. No. 60-1). That declaration contains no sealable material, nor does  
22 it append any. Plaintiff's counsel does not advance a reason why they chose to seal it.  
23 Therefore, the Clerk shall unseal this document.

24 *Third*, plaintiff's motion states that it is being brought under Rule 79-5(d), which  
25 pertains to filing documents designated confidential by another party. Yet the motion concerns

**United States District Court**

For the Northern District of California

1 some documents produced by defendant and some documents produced by plaintiff.  
2 Specifically, it concerns exhibits 9 through 35 of the declaration of plaintiff William Marr.  
3 Exhibits 9 through 30 were documents produced by plaintiff and exhibits 31 through 35 were  
4 documents produced by defendant. Unredacted versions of these documents apparently contain  
5 customer names and loan numbers.

6 In meeting and conferring over this matter, defendant stated that it had no objection to  
7 plaintiff filing redacted versions of these documents, with all customer information redacted  
8 (Dkt. No. 60-1 Exh. C). Plaintiff did just that.

9 Yet again for reasons unknown, plaintiff brings this administrative motion “for a sealing  
10 order and [to] request[] that the exhibits . . . be sealed so that Defendant may bring a formal  
11 motion to seal these documents if it so desires.” This request does not make sense. It says the  
12 exhibits should be sealed so that defendant can bring a motion to seal. It is totally unclear what  
13 plaintiff is asking for.

14 Even were this order to make a best guess and assume that plaintiff is asking to be  
15 allowed to file *unredacted* versions of these exhibits under seal, plaintiff’s motion fails. The  
16 motion neglects to mention any reason whatsoever why the redacted versions of the documents  
17 do not suffice and why the unredacted versions need to be considered such that sealing the  
18 unredacted versions would be warranted. Thus, plaintiff’s administrative motion is **DENIED**.

19 **IT IS SO ORDERED.**

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21 Dated: February 7, 2011.



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22 WILLIAM ALSUP  
23 UNITED STATES DISTRICT JUDGE  
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